

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

## ORDER

This closed action comes before the Court on Plaintiffs' Motion to Dismiss Defendant Wendco (doc. 155). This action was dismissed with prejudice in its entirety via Order (doc. 152) entered on September 26, 2011. Although plaintiffs have requested reinstatement, such a request remains pending at this time, and the case has not been reopened. As such, Plaintiffs' Motion to Dismiss Defendant Wendco (doc. 155) is **moot** because there is no pending action against anybody to dismiss. If at some future date reinstatement of this action is permitted, it will be solely as to plaintiffs' claims against Hospitality and Catering Management Services. In all events, plaintiffs' claims against defendant Wendco of Alabama, Inc. are, and will remain, **dismissed with prejudice**.

DONE and ORDERED this 26th day of October, 2011.

s/ WILLIAM H. STEELE  
CHIEF UNITED STATES DISTRICT JUDGE